

Appl. No. 10/665,949
Attr. Docket No. 9365Q
Response dated February 2, 2007
In response to Office Action of November 2, 2006
Customer No. 27752

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REMARKS

Claim Status

Claims 1, 2, 4, 5, and 8-15 are pending. Claims 1, 2, 4, 5 and 8-15 stand rejected under 35 USC § 112. Claims 1, 2, 4, 5 and 8-15 also stand rejected under 35 USC § 103. With this response, claims 1 is amended, claim 15 is canceled, and no claims are withdrawn or added.

Rejections Under 35 USC § 112, Second Paragraph

Claims 1, 2, 4, 5 and 8-15 stand rejected under 35 USC § 112, second paragraph, as being indefinite for use of the term "edge folds" in the plural. The Applicant notes that claim 15 is canceled with this response. The Applicant has amended claim 1 from "edge folds" to "an edge fold." Therefore, the Applicant submits that claim 1, as currently amended, is definite. As a result, the Applicant respectfully requests reconsideration and withdrawal of the § 112 rejections for claim 1 as well as for claims 2, 4, 5, and 8-14, which depend therefrom.

Rejections Under 35 USC § 103 Over Roe in view of Sabee

Claim 1, 2 and 8-15 stand rejected under 35 USC § 103(a) as being unpatentable over Roe, et al. (US 5,776,121) in view of Sabee (US 4,968,313). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant notes that claim 15 is canceled with this response. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Roe and Sabee references for the reasons discussed below.

Independent claim 1, as currently amended, recites in part "bonding the folded portion along substantially all of the folded portion length." The Office Action cited bonding from the Roe reference against the bonding element of the Applicant's independent claim 1. (Page 2, point 4.) The Roe reference appears to describe embodiments wherein "a portion of the cuff area adjacent each of the ends of the cuff area are attached to the topsheet" (col. 3, lines 22-24), a "bonding means secures a portion of the cuff area to the topsheet . . . in at least the crotch area" (col. 3, lines 33-35), or "a first bonding means is provided to the topsheet in the first and second waist regions" (col. 3,

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lines 42-44). However, from the Applicant's review, the Roe reference does not appear to describe, teach, or suggest bonding a folded portion "along substantially all of the folded portion length" as recited in part in the Applicant's independent claim 1. From the Applicant's review, the Sabee reference does not appear to cure this deficiency.

Further, the Roe reference appears to describe embodiments of folding and bonding to form a barrier cuff and a gasketing cuff. (Abstract.) From the Applicant's review, the Roe reference does not appear to describe, teach, or suggest folding and bonding to "form an edge cuff" as recited in part in the Applicant's independent claim 1. From the Applicant's review, the Sabee reference does not appear to cure this deficiency.

As a result, the Roe reference and the Sabee reference, either independently or in combination, do not describe, teach, or suggest each and every element of the Applicant's independent claim 1. For this reason, the Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejections for independent claim 1 and for claims 2 and 8-14 which depend therefrom.

Rejection Under 35 USC § 103 Over Roe and Sabee in view of Anderson

Claim 4 stands rejected under 35 USC § 103(a) as being unpatentable over Roe, et al. (US 5,776,121) and Sabee (US 4,968,313) as applied to claim 1 above and in further view of Anderson, et al. (US 6,605,172). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Roe, Sabee and Anderson references for the reasons discussed below.

As described above, the Roe reference and the Sabee reference, either independently or in combination, do not describe, teach, or suggest bonding a folded portion "along substantially all of the folded portion length to form an edge fold" as recited in part in the Applicant's independent claim 1. From the Applicant's review, the Anderson reference does not appear to cure this deficiency. Therefore, the Roe, Sabee, and Anderson references, either independently or in combination, do not describe, teach, or suggest each and every element of the Applicant's independent claim 1. For this reason, the Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection for claim 4, which depends from independent claim 1.

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Rejection Under 35 USC § 103 Over Roe, Sabee, and Anderson
in view of Joest and Melius

Claim 5 stands rejected under 35 USC § 103(a) as being unpatentable over Roe, et al. (US 5,776,121), Sabee, et al. (US 4,968,313) and Anderson, et al. (US 6,605,172) as applied to claim 4 above, and in further view of Joest, et al. (US 5,7830,821) and Melius (US 2004/044322A1). The Applicant does not admit that any characterization by the Office Action regarding these rejections is correct, but discusses such characterizations herein for the sake of argument. The Applicant traverses the rejections of the pending claims under 35 USC § 103 over the Roe, Sabee, Anderson and Joest references for the reasons discussed below.

As described above, the Roe, Sabee, and Anderson references, either independently or in combination, do not describe, teach, or suggest bonding a folded portion "along substantially all of the folded portion length to form an edge fold" as recited in part in the Applicant's independent claim 1. From the Applicant's review, neither the Joest reference nor the Melius reference appear to cure this deficiency. Therefore, the Roe, Sabee, Anderson, Joest, and Melius references, either independently or in combination, do not describe, teach, or suggest each and every element of the Applicant's independent claim 1. For this reason, the Applicant respectfully requests reconsideration and withdrawal of the 103(a) rejection for claim 5, which depends from independent claim 1.

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Conclusion

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the cited references. Accordingly, the Applicant respectfully requests reconsideration of this application and allowance of the pending claims.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By Charles R. Ware
Signature
Charles R. Ware
Typed or Printed Name
Registration No. 54,881
(513) 634-5042

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